

00/17/2001 00:01 PAA 2020140000 BMCS #28153 0003

VOLUNTARY AGREEMENT

This Voluntary Agreement entered into this 14th day of May, 2001, by and between Asia 21, Inc. T/A Pan Asian Noodles (hereinafter referred to as Applicant), and Dupont Circle Advisory Neighborhood Commission 2B (hereinafter referred to as ANC 2B), pursuant to 35 DCR No. 26, Section 1513:

WHEREAS, Applicant's application No. 28155 for renewal Class CR Retailer's License at premises 2020 P Street, NW is pending before the District of Columbia Alcoholic Beverage Control Board (hereinafter referred to as the "Board"); and

WHEREAS, premises 2020 P Street, NW is within the jurisdictional boundaries of Dupont Circle ANC 2B; and

WHEREAS, Dupont Circle ANC 2B reviewed the renewal application at its duly called meeting on Wednesday, April 11, 2001 and a quorum being present; and

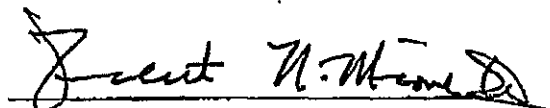
WHEREAS, the Applicant and ANC 2B, mutually desiring to enter into this Voluntary Agreement

NOW THEREFORE, Applicant and ANC 2B set forth their mutual Agreement with the intent to be bound thereby, as follows, and request that the Board approve and incorporate the text of this Voluntary Agreement in its order granting Application No. 28155:

- 1) Applicant will have 60 days from the date of this Agreement to remove the public telephones from the southwest corner of P and Hopkins Streets, NW; and during the term of this Agreement, the Applicant will neither apply for nor request for any additional outside telephones.
- 2) The Applicant will have 60 days to paint the east wall of the 2020 P street, NW (the wall facing Hopkins street) a neutral color of tan or beige and coat an area 12 feet high along the entire east wall with a compound which repels graffiti. Throughout the term of this Agreement, the Applicant will be responsible for the removal of any additional graffiti from the building.
- 3) With the exception of ^{two} ~~one~~ drums to be used for recycling used cooking oil (stored in a tightly sealed container), the applicant will not store any trash on the east side of the building facing Hopkins Street.

- 4) The Applicant will store all trash in the rear of the building in locked dumpsters. No dumpster will be overstuffed and any additional trash will be stored inside the building until the morning of a trash pick up. The Applicant will provide for six (6) trash pick ups per week, including holidays. The Applicant will wash and clean the dumpsters, concrete storage areas, and side walks at least 3 times a week with ammonia, clorox, or other cleaning solvent. Any residual trash from such cleaning will be bagged and removed. The Applicant will sweep the area around the dumpsters daily and bag such trash. From the date of adoption of this Agreement and throughout the term thereof, the Applicant will neither assist nor enter into any agreement with any other establishment for the storage or disposal of trash at the Applicant's location.
- 5) The Applicant will contract with a professional service to provide for monthly rodent extermination at 2020 P Street, NW
- 6) The Applicant will contract with a professional cleaning service to have all vents and air ducts cleaned with a process as noiseless as possible; and try to have such cleaning accomplished during normal business hours.
- 7) The Applicant will work with the ANC 2B to explore a request to the DC Government for a fence to enclose the entire dumpster area at the rear of the building.
- 8) The Applicant acknowledges that any failure to adhere to the foregoing commitments will constitute grounds for ANC 2B to petition the Board for revocation of the Applicant's ABC license following a Show Cause Hearing pursuant to 25 DC CODE 1513.5.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures.


for Dupont Circle ANC 2B

5/14/01
date


for Asia 21, Inc. T/A Pan Asian Noodles

5/14/01
date

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

In the Matter of:

Asia 21, Inc.
T/a Pan Asian Noodles & Grill

Application for a Retailer's
Class CR - renewal
at premises

2020 P Street, NW
Washington, DC 20036

Case No. 28155 25155-017034P

**Vince Micone, Chairperson, Dupont Circle Advisory Neighborhood Commission
(ANC 2B), Protestant**

Peng Yap, President, Applicant

**BEFORE: RODERIC L. WOODSON, ESQUIRE, CHAIR
VERA M. ABBOTT, MEMBER
CHARLES A. BURGER, MEMBER
LAURIE COLLINS, MEMBER
JUDY A. MOY, MEMBER
ELLEN OPPER-WEINER, ESQUIRE, MEMBER
AUDREY E. THOMPSON, MEMBER**

ORDER ON WITHDRAWN PROTEST AND VOLUNTARY AGREEMENT

This matter, having been protested, was scheduled for a roll call hearing on May 16, 2001, in accordance with D.C. Code Section 25-115(c)(5) (1999 Supp.), providing for the protestants to be heard. The Board received a timely protest letter from Vince Micone, dated April 22, 2001


The official records of the Board reflect that the parties have reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement, dated May 14, 2001, the protestants have agreed to withdraw the opposition, provided, however, the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the agreement.

Asia 21, Inc.
T/a Pan Asian Noodles & Grill
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Accordingly, it is this 8th day of August 2001, **ORDERED** that:

1. The opposition of Vince Micone, Chairperson, ANC 2B, be, and the same hereby is **WITHDRAWN**;
2. The application of Asia 21, Inc., t/a Pan Asian Noodles & Grill, for a retailer's class CR license (renewal) at premises 2020 P Street, NW, Washington, DC, 20036, be, and the same hereby, is **GRANTED**; and
3. The above-referenced agreement between the parties, be, and the same hereby is **INCORPORATED** and part of this **ORDER**; and;
4. Copies of this Order shall be sent to the Protestant and the Applicant.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL
BOARD

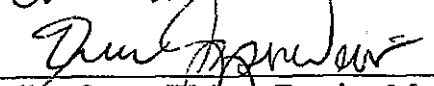

Roderic L. Woodson, Esquire, Chair



Vera M. Abbott, Member


Charles A. Burger, Member


Laurie Collins, Member


Judy A. Moy, Member


Ellen Oppenheimer, Esquire, Member


Audrey E. Thompson, Member

28155

VOLUNTARY AGREEMENT

Made this 26 of June, 1994, by and between

CAPITOL RESTAURANT ALLIANCE, INC. t/a PAN ASIAN
2020 P Street, N.W.
("Applicant")

AND

DUPONT CIRCLE ADVISORY NEIGHBORHOOD COMMISSION 2B
1347 Connecticut Ave., N.W. Suite 2
Washington, DC 20036
("Protestant")

WHEREAS, Applicant's application for renewal of a Retailer's Class "CR" License (App. No. 28155) is pending before the District of Columbia Alcoholic Beverage Control Board ("Board"); and

WHEREAS, the premises 2020 P Street, N.W. are within the jurisdictional boundaries of Protestant Dupont Circle Advisory Neighborhood Commission 2B (ANC 2B); and

WHEREAS, Dupont Circle ANC 2B is recognized by the Board as a protestant in said case; and

WHEREAS, Applicant and Protestant mutually desire to resolve said protest;

NOW THEREFORE, in consideration of the mutual covenants and promises set forth below, and subject to the approval of this Agreement by the Board, the parties agree as follows:

1) From the date of adoption of this agreement by the Board and throughout the term thereof, Applicant will contract with a pest control company to eliminate rodents from the premises, and will periodically bait the alley to eliminate rodent harborage. To complement these efforts, applicant will provide for trash pickup six days a week, after 7 a.m. and before 7 p.m. Applicant will dispose of all trash or garbage in Dept. of Public Works-approved containers that are kept closed and sealed at all times. Applicant will ensure the area immediately around its outside trash containers are clean and free of debris and trash. Applicant will make its best efforts to keep the area in front of its premises clean and free of trash and debris, as required by D.C. law.

In consideration of, and reliance upon, the foregoing commitments, and with the understanding that the stated conditions will be made part of Applicant's license, Protestant hereby agrees to withdraw its protest to the Applicant's App. No. 28155 and support reissuance of the license.

The Applicant acknowledges that any failure to adhere to the

foregoing commitments will constitute grounds for Protestant to petition the Board for revocation of Applicant's ABC license following a Show Cause Hearing pursuant to 23 DCMR 1513.5. or for Protestant to petition the Board to impose any applicable fines for violation of this Agreement, in order to gain Applicant's compliance with this Agreement. Protestant agrees to notify Applicant in writing of any alleged violation of this Agreement and shall afford Applicant fourteen (14) calendar days to correct, or to begin to correct, the violation, prior to notifying the Board.

This Agreement shall not preclude Protestant from exercising any other rights under the ABC statute or regulations, nor from challenging Applicant's compliance with any other District of Columbia laws or regulations not covered in this Agreement.

IN WITNESS WHEREOF, the parties have affixed hereunto their signatures:

Tom Moyer
for Applicant

TOM MOYER
Print Name

6-29-94
Date

John J. Pagano
for Protestant
Dupont Circle ANC 2B

JOHN PAGANO
Print Name

6-29-94
Date

Post-It™ brand fax transmittal memo 7671		# of pages 2	
To ABC	From ANC 2B		
Co. Latina Byrd	Co. K. Ruffin		
Dept.	Phone #		
Fax # 727-7027	Fax # 922 622 5		

BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

INITIAL	DATE
me	8.10.94

In the Matter:

Capitol Restaurant Alliance, Inc.)
t/a Pan Asian)

Application for a retailer's)
license class CR - renewal)
at premises)
2020 P Street, N.W.)
Washington, D.C.)

Case No. 28155-94083P

Russell Gamble, Chair, on behalf of Advisory Neighborhood Commission 2B,
Protestant

Tom Moyer, on behalf of Applicant

BEFORE: Mary Eva Candon, Esquire, Chair
James C. Jefferson, Member
James L. O'Dea, III, Esquire, Member
Barbara L. Smith, Esquire, Member

ORDER ON WITHDRAWN PROTEST

The application, having been protested, came before the Board for public hearing on June 29, 1994 in accordance with D.C. Code 25-115 (c)(5)(1992 Supp.), providing for remonstrants to be heard. Mr. Russell Gamble, Chair, on behalf of Advisory Neighborhood Commission 2B (hereinafter "ANC 2B"), filed a timely protest by letter dated May 26, 1994.

The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board.^{1/} Pursuant to the Agreement, the Protestant has agreed to withdraw her protest provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

^{1/} See Agreement dated June 26, 1994.

Capitol Restaurant Alliance, Inc.
t/a Pan Asian
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Accordingly, it is this _____ day of _____ 1994 ORDERED
that:

1. The protest of Russell Gamble, Chair, on behalf of ANC 2B, be, and the same hereby, is WITHDRAWN;

2. The above-referenced Agreement between the parties be, and the same hereby, is INCORPORATED as part of this Order;

3. The application of Capitol Restaurant Alliance, Inc. t/a Pan Asian for a retailer's license class CR - renewal at premises 2020 P Street, N.W., be, and the same hereby, is GRANTED; and,

4. Copies of this Order shall be sent to the Protestant and the Applicant.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD

Mary Eva Candon, Esquire, Chair

James C. Jefferson, Member

James L. O'Dea, III, Esquire, Member

Barbara L. Smith, Esquire, Member